

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

**TENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 16, 2008**

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Anderson. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by James Cooper, Page.

Approval of Journal

January 16, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Ninth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 16, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **H 337**.

CLARK, Chairman

H 337 was referred to the Environment, Energy, and Technology Committee.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 34 BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND EXTENDING A HOSPITABLE WELCOME TO PARTICIPATING ATHLETES AND ALL GUESTS WHO COME TO VISIT THE GREAT STATE OF IDAHO DURING THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES, ENCOURAGING CITIZENS TO VOLUNTEER FOR POSITIONS REQUIRED TO HOST THE GAMES, SUPPORTING THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES PROGRAM AND THE SUSTAINING INFLUENCE IT HAS UPON INDIVIDUALS WITH INTELLECTUAL DISABILITIES AND CONGRATULATING AND EXPRESSING APPRECIATION TO THE GAMES ORGANIZING COMMITTEE OF THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES AND OTHER SPECIAL OLYMPICS OFFICIALS WHO HAVE WORKED TIRELESSLY TO ORGANIZE A SUCCESSFUL 2009 WORLDWIDE SPORTING EVENT IN THE STATE OF IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, after a successful bid for the 2009 Special Olympics World Winter Games endorsed by state leaders including then-Governor Dirk Kempthorne, Senator Larry Craig, Senator Michael Crapo, Representative Mike Simpson, then-Representative C.L. "Butch" Otter, and Boise Mayor David Bieter, the host site was awarded to Boise, Idaho, for the 2009 Special Olympics World Winter Games to be held February 6 through 13, 2009;

WHEREAS, previous Special Olympics sites have included such noted cities as Nagano, Japan and Shanghai, China, hosting the 2009 Special Olympics World Winter Games is a privilege afforded the citizens of Idaho and provides an opportunity to showcase the beauties and potential of this great state to the rest of the world; and

WHEREAS, more than 3,000 athletes from 85 countries and regions of the world are expected to compete in seven Olympic-type winter sports events; and

WHEREAS, volunteerism is the backbone of the Special Olympics and over 6,000 volunteers will be given the opportunity to serve Idaho through filling needed hosting and event assignments; and

WHEREAS, the participation of world-class athletes with intellectual disabilities provides a venue for global discussions and action on the positive influence the Special Olympics can make on the lives of people with disabilities; and

WHEREAS, the 2009 Special Olympics World Winter Games will be the largest multi-sport event ever held in the state of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that a hospitable welcome be extended to participating athletes and all guests who come to visit the great state of Idaho during the 2009 Special Olympics World Winter Games.

BE IT FURTHER RESOLVED, that the Legislature and Serve Idaho, the Governor's Commission on Service and Volunteerism, encourage citizens to volunteer for positions required to host the games.

BE IT FURTHER RESOLVED, that the Legislature supports the 2009 Special Olympics World Winter Games program and the sustaining influence it has upon individuals with intellectual disabilities.

BE IT FURTHER RESOLVED, that the Legislature congratulates and expresses appreciation to the Games Organizing Committee of the 2009 Special Olympics World Winter Games and other Special Olympics officials who have worked tirelessly to organize a successful 2009 worldwide sporting event in the state of Idaho.

HCR 34 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

HOUSE BILL NO. 338

**BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO THE MILITARY DIVISION; AMENDING CHAPTER 8, TITLE 46, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 46-804, IDAHO CODE, TO PROVIDE THAT THE MILITARY DIVISION IS AUTHORIZED TO PROMULGATE RULES.

HOUSE BILL NO. 339

**BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO THE MILITIA; AMENDING SECTION 46-102, IDAHO CODE, TO PROVIDE THAT THE MEMBERSHIP REQUIREMENTS FOR THE STATE MILITIA SHALL BE GENDER NEUTRAL AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 46-105, IDAHO CODE, RELATING TO APPOINTMENT AND ENLISTMENT OF FEMALE CITIZENS, SECTION 46-114, IDAHO CODE, RELATING TO STAFF OFFICERS AND AIDES-DE-CAMP, SECTION 46-208, IDAHO CODE, RELATING TO ARREST OF OFFICERS AND ENLISTED PERSONNEL, SECTION 46-209, RELATING TO PUNISHMENT FOR ORDERS VIOLATIONS, SECTION 46-302, IDAHO CODE, RELATING TO EQUIPMENT FOR ENLISTED PERSONNEL AND PUNISHMENT FOR UNLAWFUL USE, SECTION 46-303, IDAHO CODE, RELATING TO PERSONAL RESPONSIBILITY FOR MONEY AND PROPERTY, SECTION 46-304, IDAHO CODE, RELATING TO DISPOSAL OF EQUIPMENT, SECTION 46-305, IDAHO CODE, RELATING TO LOST OR DAMAGED EQUIPMENT, SECTION 46-306, IDAHO CODE, RELATING TO LOSS OR DAMAGE TO PROPERTY, SECTION 46-307, IDAHO CODE, RELATING TO UNIFORMS PRESCRIBED, SECTION 46-309, IDAHO CODE, RELATING TO ALLOWANCE FOR MILITARY EXPENSES, SECTION 46-310, IDAHO CODE, RELATING TO OFFICERS' ANNUAL ALLOWANCE, SECTION 46-603, IDAHO CODE, RELATING TO ACTIVE DUTY AND THE IDAHO CODE OF MILITARY JUSTICE IN FORCE, AND SECTION 46-610, IDAHO CODE, RELATING TO MILITARY MANEUVERS AND CAMPS AND COMPENSATION; AND AMENDING SECTION 46-216, IDAHO CODE, TO PROVIDE THAT ALL OFFICERS AND EMPLOYEES OF THE STATE OF IDAHO WHO SHALL BE

MEMBERS OF THE NATIONAL GUARD OR WHO SHALL BE RESERVISTS IN THE ARMED FORCES OF THE UNITED STATES, SHALL BE ENTITLED EACH CALENDAR YEAR TO ONE HUNDRED TWENTY HOURS OF MILITARY LEAVE OF ABSENCE FROM THEIR RESPECTIVE DUTIES WITHOUT LOSS OF PAY, TIME, OR EFFICIENCY RATING.

HOUSE BILL NO. 340

**BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO THE RETENTION OF TAX RECORDS; AMENDING SECTION 63-218, IDAHO CODE, TO PROVIDE THAT THE STATE TAX COMMISSION OR ANY POLITICAL SUBDIVISION MAY RETAIN TAX DOCUMENTS IN A FORM OR MEDIUM DIFFERENT FROM THAT IN WHICH THEY ARE RECEIVED IF THE DOCUMENT MAY BE ACCURATELY REPRODUCED, TO ALLOW FOR DISPOSAL OR DESTRUCTION OF ORIGINAL DOCUMENTS AND TO PROVIDE THE EFFECT OF SUCH REPRODUCED OR ORIGINAL RECORDS; AND AMENDING SECTION 63-3071, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE RETENTION OF INCOME TAX RETURNS WHEN REPRODUCED AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 341

**BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO PROPERTY TAX AND TAXING DISTRICT BOUNDARIES; AMENDING SECTION 63-215, IDAHO CODE, TO REQUIRE THE STATE TAX COMMISSION TO REVIEW TAXING DISTRICT BOUNDARIES FOR COMPLIANCE WITH PROVISIONS OF IDAHO LAW RELATING TO BOUNDARIES AND TO AUTHORIZE THE STATE TAX COMMISSION TO DIRECT THAT THE NONCOMPLIANT BOUNDARIES NOT BE RECOGNIZED.

HOUSE BILL NO. 342

**BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO INCOME TAXES; AMENDING SECTION 63-3004, IDAHO CODE, TO UPDATE REFERENCES TO THE INTERNAL REVENUE CODE; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

HOUSE BILL NO. 343

**BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO THE TAX REMITTED TO THE PERMANENT BUILDING FUND; AMENDING SECTION 63-3083, IDAHO CODE, TO REVISE THE DEFINITION OF "PERSON"; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 344

**BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO INCOME TAX WITHHOLDING; AMENDING SECTION 63-3035, IDAHO CODE, TO REVISE THE DATE FOR FILING EMPLOYER RETURNS, TO

REQUIRE THAT THE RETURN SHOW THE AMOUNT OF ANY DEFICIENCY OR REFUND DUE, TO PROVIDE THAT A COPY OF THE DECLARATION OF WITHHOLDING PROVIDED TO EMPLOYEES BE INCLUDED WITH THE RETURN AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 345

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO INCOME TAX; AMENDING SECTION 63-3068, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

HOUSE BILL NO. 346

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO THE UNCLAIMED PROPERTY ACT; AMENDING SECTION 14-532, IDAHO CODE, TO EXCLUDE THE INTEREST RATE PROVISIONS OF SECTION 63-3045, IDAHO CODE.

HOUSE BILL NO. 347

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE FLOATING HOMES RESIDENCY ACT; AMENDING SECTION 55-2708, IDAHO CODE, TO PROVIDE THAT CHANGES IN RENTS BY LANDLORDS SHALL BE REASONABLE AND TO PROVIDE FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A CHANGE IN RENT IS REASONABLE.

HOUSE BILL NO. 348

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STATE LIQUOR DISPENSARY; AMENDING SECTION 23-307, IDAHO CODE, TO ELIMINATE THE PROHIBITION ON THE SALE OF ALCOHOLIC LIQUOR ON ELECTION DAYS AT STATE LIQUOR STORES AND DISTRIBUTING STATIONS.

HOUSE BILL NO. 349

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO VETERANS SERVICES; AMENDING SECTION 63-3067B, IDAHO CODE, TO PROVIDE FOR DESIGNATION OF A REFUND DUE AND PAYABLE FOR OVERPAYMENT OF INCOME TAXES OR FOR A DONATION IN ADDITION TO AN INCOME TAX OBLIGATION TO THE VETERANS SUPPORT FUND AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 2, TITLE 65, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 65-209, IDAHO CODE, TO PROVIDE FOR THE CREATION AND OPERATION OF THE VETERANS SUPPORT FUND.

HOUSE BILL NO. 350

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO GEOLOGISTS; AMENDING SECTION 54-2801, IDAHO CODE, TO PROVIDE FOR A SHORT TITLE AND TO REVISE THE DECLARATION OF POLICY;

AMENDING SECTION 54-2806, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2807, IDAHO CODE, TO REVISE BOARD OFFICER ELECTIONS; AMENDING SECTION 54-2809, IDAHO CODE, TO DELETE PROVISIONS RELATING TO THE PROFESSIONAL GEOLOGISTS' FUND, TO PROVIDE THAT FEES PAID TO THE BUREAU OF OCCUPATIONAL LICENSES BE DEPOSITED IN THE STATE TREASURY TO THE CREDIT OF THE OCCUPATIONAL LICENSES FUND AND THAT ALL COSTS INCURRED BE CHARGED AGAINST THE FUND; AMENDING SECTION 54-2812, IDAHO CODE, TO REVISE QUALIFICATIONS FOR REGISTRATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2813, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2814, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EXAMINATIONS, TO PROVIDE THAT EXAMINATION AND REEXAMINATION FEES SHALL BE SET BY THE BOARD IN RULE, TO REVISE PROVISIONS RELATING TO PAYMENT OF REEXAMINATION FEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2815, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS, TO REVISE PROVISIONS RELATING TO SIGNATURES ON CERTIFICATES OF REGISTRATION, TO PROVIDE CORRECT TERMINOLOGY AND TO REVISE PROVISIONS RELATING TO THE PREPARATION OF GEOLOGIC PAPERS OR DOCUMENTS INVOLVING GEOLOGIC WORK BY A SUBORDINATE EMPLOYEE; AMENDING SECTION 54-2816, IDAHO CODE, TO DELETE A REQUIREMENT THAT THE BOARD NOTIFY REGISTRANTS OF CERTIFICATE OF REGISTRATION EXPIRATION DATE AND RENEWAL FEES, TO REVISE CERTIFICATE OF REGISTRATION RENEWAL, REINSTATEMENT AND EXPIRATION AND TO PROVIDE FOR A REINSTATEMENT FEE; AND REPEALING SECTION 54-2817, IDAHO CODE, RELATING TO REPLACEMENT OF LOST, DESTROYED OR MUTILATED CERTIFICATES OF REGISTRATION.

HOUSE BILL NO. 351

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE ELECTION CAMPAIGN FUND; AMENDING SECTION 34-2503, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION OF FUNDS FROM THE ELECTION CAMPAIGN FUND TO QUALIFYING POLITICAL PARTIES ANNUALLY INSTEAD OF IN EVEN-NUMBERED YEARS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 352

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO THE IDAHO STATE POLICE; AMENDING SECTION 67-3010, IDAHO CODE, TO CLARIFY THE AUTHORITY OF THE DEPARTMENT TO ESTABLISH AND COLLECT FEES FOR PROCESSING REQUESTS FOR CRIMINAL RECORDS REVIEW OF STATE AND FEDERAL FILES.

HOUSE BILL NO. 353
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE

AN ACT

RELATING TO LIMITATION ON CERTAIN TORT DAMAGES AND LIABILITIES; AMENDING SECTION 6-1601, IDAHO CODE, TO REVISE THE DEFINITIONS OF "CHARITABLE CORPORATION OR ORGANIZATION" AND "NONPROFIT CORPORATION OR ORGANIZATION" TO INCLUDE CHARITABLE TRUSTS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 6-1605, IDAHO CODE, TO EXTEND IMMUNITY FROM LIABILITY TO TRUSTEES OF A CHARITABLE TRUST.

HOUSE BILL NO. 354
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE INDUSTRIAL SPECIAL INDEMNITY FUND; AMENDING SECTION 2, CHAPTER 303, LAWS OF 1997, AS AMENDED BY SECTION 1, CHAPTER 197, LAWS OF 1999, AS AMENDED BY SECTION 1, CHAPTER 100, LAWS OF 2004, TO REPEAL THE SUNSET CLAUSE.

HOUSE BILL NO. 355
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO CAPITOL COMMISSION LICENSE PLATES; AMENDING SECTION 49-420A, IDAHO CODE, TO DELETE THE EXPIRATION DATE.

HOUSE BILL NO. 356
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO TRANSPORTATION; AMENDING SECTION 49-102, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 49-304, IDAHO CODE, TO REVISE PROVISIONS RELATING TO MOTORCYCLE ENDORSEMENTS; AMENDING SECTION 49-327, IDAHO CODE, TO DELETE PROVISIONS RELATING TO THE RETENTION AND RETURN OF SURRENDERED DRIVER'S LICENSES BY THE IDAHO TRANSPORTATION DEPARTMENT, TO PROVIDE FOR APPLICATIONS FOR DUPLICATE DRIVER'S LICENSES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-328, IDAHO CODE, TO AUTHORIZE THE IDAHO TRANSPORTATION DEPARTMENT TO COLLECT CERTAIN FEES FOR REINSTATEMENT OF DRIVER'S LICENSES AFTER REVOCATION OR DISQUALIFICATION; AND AMENDING SECTION 49-1222, IDAHO CODE, TO PROVIDE FOR APPLICATIONS FOR DUPLICATE DRIVER'S LICENSES.

H 338, H 339, H 340, H 341, H 342, H 343, H 344, H 345, H 346, H 347, H 348, H 349, H 350, H 351, H 352, H 353, H 354, H 355 and H 356 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11:30 a.m., Thursday, January 17, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:50 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk